

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

GEORGE YARID,
Plaintiff,

v.

Civil Action No. 3:16-cv-00756

SHON BRENNAN
and WILLIAM MARKLAND,
Defendants.

ORDER

This matter comes before the Court on the plaintiff's Particularized Complaint.¹ The plaintiff submitted his Particularized Complaint in response to the Court's September 29, 2016 Order, which granted the plaintiff leave to proceed *in forma pauperis*, but found that he failed to state a claim upon which relief could be granted and directed him to file a particularized complaint.² That Order gave specific instructions to follow, and warned that failure to comply with the specific instructions would result in dismissal of the case. The plaintiff did not follow the Court's specific instructions. Specifically, beyond not using the required headers, the plaintiff jumbles his facts and legal claims together in an unclear manner. Accordingly, the Court DISMISSES the Particularized Complaint. Nevertheless, the Court will give the plaintiff one last chance to follow its instructions.

¹ The plaintiff has not filed a document titled "Particularized Complaint." The Court, however, construes his filing called "More Discovery and Concerns" as an attempt at a particularized complaint, and will refer to it as such in this Order. The Court DIRECTS the Clerk to update the docket entry for this filing, (Dk. No. 9), to reflect it as a Particularized Complaint.

² After the Court's Order, one of the defendants, Shon Brennan, sent the Court a Motion to Dismiss and to Declare the Plaintiff a Vexatious Litigant. (Dk. No. 7.) Because this motion responded to the plaintiff's original complaint, the Court DISMISSES this motion as MOOT. The defendants do not need to respond to this lawsuit unless and until they are served with summons and a complaint as directed by the Court.

The Court DIRECTS the plaintiff to file a second particularized complaint by **March 6, 2017**. The Court has given the plaintiff a second bite at the apple already; therefore, the Court counsels the plaintiff to **follow these instructions to the letter**. The plaintiff must include the following in his second particularized complaint:

- 1) At the top of the second particularized complaint, the plaintiff must place the following caption: **“SECOND PARTICULARIZED COMPLAINT FOR CIVIL ACTION NUMBER 3:16-cv-756.”**
- 2) The first paragraph of the second particularized complaint must contain a list of defendants as well as their addresses.
- 3) Next, in a section titled **“FACTS,”** the plaintiff must set forth a statement of the facts giving rise to his claims for relief. He should set forth each fact in separately numbered paragraphs. The facts section should contain **only facts** without referring to any law or legal conclusion. In other words, the plaintiff needs to tell the Court what happened between him and the defendants that gives rise to his legal claims. He will explain the legal claims themselves in the next section. The plaintiff must include **all** facts in his second particularized complaint. He should not refer back to past filings.
- 4) Next, in a section titled **“LEGAL CLAIMS,”** the plaintiff must clearly identify **each legal claim** and the basis under federal or state law for that claim. The plaintiff should set forth each claim separately. Further, he should cite applicable statutes where possible. For each claim, the plaintiff must explain why he believes each defendant is liable to him. He should refer to the specific numbered paragraphs in the **“FACTS”** section that supports each legal claim. In other words, the plaintiff should apply the *relevant* facts to

each claim. The plaintiff must write as clearly as possible; the Court will not ferret out his claims from gibberish.

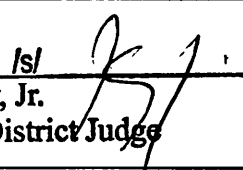
- 5) Finally, the plaintiff should title the last section of the complaint “**PRAYER FOR RELIEF.**” This section should include a list of the relief he seeks. If he seeks money damages, the plaintiff should include the dollar amount of damages.
- 6) Importantly, in the second particularized complaint, the plaintiff cannot refer to or rely on any previous pleadings or filings in other cases. **The second particularized complaint must explicitly state all factual allegations and legal claims that the plaintiff would like this Court to consider.**
- 7) The plaintiff must **type** the second particularized complaint in **Times New Roman, 12 point font**, and must **double space** the lines.

Once filed, the second particularized complaint will become the operative complaint in this case. **Failure to comply strictly with the requirements set forth in this order will result in dismissal of the case.**

It is so ORDERED.

Let the Clerk send a copy of this Order to the pro se plaintiff and to Shon Brennan.³

Date: February 9, 2017
Richmond, VA

 _____ John A. Gibney, Jr. United States District Judge

³ The Court once again reminds Brennan that he does not need to respond unless and until he is served with summons and a complaint as directed by this Court.